



PATENT
Customer No. 22,852
Attorney Docket No. 08137.0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Hiroshi SHINRIKI et al.) Group Art Unit: 1762
Application No.: 09/657,627) Examiner: B. Chen
Filed: September 8, 2000)
For: METHOD OF FORMING A THIN)
FILM)

Commissioner for Patents
Washington, DC 20231

Sir:

TERMINAL DISCLAIMER

Assignee, Tokyo Electron Limited, duly organized under the laws of Japan and having its principal place of business at 3-6, Akasaka 5-chome, Minato-ku, Tokyo, Japan, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 09/657,627, filed September 8, 2000, for METHOD OF FORMING A THIN FILM in the names of Hiroshi Shinriki and Kenji Matsumoto, as indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at Reel 011116, Frame 0030, on September 8, 2000. Assignee, Tokyo Electron Limited, further represents that it is the assignee of the entire right, title and interest in and to U.S. Application No. 09/641,681, filed August 18, 2000, for METAL OXIDE FILM FORMATION METHOD AND APPARATUS, as indicated by

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assignment duly recorded in the United States Patent and Trademark Office at Reel 011036, Frame 0604, on August 18, 2000.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Application No. 09/641,681, Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

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If there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge such fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is authorized to act on behalf of assignee Tokyo Electron Limited.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: February 21, 2003

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